

REMARKS

This responds to the Final Office Action mailed on January 14, 2009.

Claims 95, 97, 102-103, and 108-117 are hereby amended. Claims 1-94 remain canceled, and no claims are hereby added. As a result, claims 95-119 are now pending in this application.

Amendments to the Claims

Independent claim 95 is amended to recite, in part, a “predefined feedback comment including *a field substitutable with a name of the first user, the second user, or an item referenced by the online payment transaction,*” and “*the presenting of the predefined feedback comment including displaying the name.*”¹

Independent claim 102 is amended to recite, in part, “predefined feedback comments including *a field substitutable with a name of a specific first user, a specific second user, or an item referenced by a specific online payment transaction between the specific first and second users,*” and “*the providing of the predefined feedback comments including displaying the name.*”²

Independent claim 108 is amended to recite, in part, “predefined feedback comments including *a field substitutable with a name of the buyer, the seller, or an item referenced by the online payment transaction,*” and “*the presenting of the predefined feedback comments including displaying the name.*”³

Independent claim 114 is amended to recite, in part, a “feedback comment including *a field substitutable with the seller identifier, the buyer identifier, or an item identifier associated in the database with the online transaction identifier,*” and “*the feedback comment presentable using the seller identifier, the buyer identifier or the item identifier.*”⁴

Support for these amendments may be found in Applicant’s specification, at least on page 16, lines 22-23. All amended dependent claims are amended for clarification, grammatical, or typographical purposes.

¹ Claim 95, emphasis added.

² Claim 102, emphasis added.

³ Claim 108, emphasis added.

⁴ Claim 114, emphasis added.

§ 103 Rejection of the Claims

Claims 95-105 and 107-118 stand rejected under 35 U.S.C. § 103(a) as being obvious over Feedback Forum (eBay.com, November 10, 1999, via web.archive.org) in view of Falk et al. (U.S. Publication No. 2001/0037206, hereinafter “Falk”), in further view of Fuerst (U.S. Patent No. 6,189,029). A determination of obviousness requires a factual showing that “the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”⁵

Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined.⁶

Applicant respectfully submits that the Office Action does not support a determination of obviousness for the reason that the scope and content of the cited references, even if combined, do not teach or suggest Applicant’s claimed subject matter or support rational inferences that one skilled in the art reasonably would be expected to draw to reach Applicant’s claimed subject matter.

As noted above, independent claim 95 is amended to recite, in part, a “predefined feedback comment including *a field substitutable with a name of the first user, the second user, or an item referenced by the online payment transaction*,” and “*the presenting of the predefined feedback comment including displaying the name*.⁷” While Feedback Forum discusses positive, neutral, and negative comments,⁸ nothing in Feedback Forum discloses a predefined feedback comment that includes *a field*, much less a field that is substitutable with “*a name of the first user, the second user, or an item* referenced by the online payment transaction,” as recited in claim 95. Accordingly, Feedback Forum fails to disclose both the predefined feedback comment and the presenting of the predefined feedback comment, as recited in claim 95. While Falk discusses “*questions* with the names of exemplary items purchased . . .

⁵ *Graham v. John Deere*, 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (1966).

⁶ *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 U.S.P.Q.2d 1385 (2007).

⁷ Claim 95, emphasis added.

⁸ Feedback Form, page 1.

along with multiple-choice responses,”⁹ Falk fails to disclose a “predefined feedback comment that includes a field substitutable with *a name of the first user, the second user, or an item referenced by the online payment transaction*,” and “*the presenting of the predefined feedback comment including displaying the name*,” as recited in claim 95. While Fuerst discusses an “answer selected from among five options such as “strongly disagree,” “disagree,” “neutral,” “agree,” “strongly agree,””¹⁰ nothing in Fuerst discloses a “predefined feedback comment that includes a field substitutable with *a name of the first user, the second user, or an item referenced by the online payment transaction*,” and “*the presenting of the predefined feedback comment including displaying the name*,” as recited in claim 95. As a result, Feedback Forum, Falk, and Fuerst, considered alone or in combination, do not disclose at least two limitations of amended claim 95.

For at least these reasons, the scope and content of Feedback Forum, Falk, and Fuerst, even if combined, do not teach or suggest Applicant’s claimed subject matter or support rational inferences that one skilled in the art would be reasonably expected to draw to reach Applicant’s claimed subject matter. As a result, Feedback Forum, Falk, and Fuerst do not support a determination of obviousness with respect to independent claim 95 and its dependent claims. Thus, Applicant respectfully requests that these rejections be withdrawn and the claims be allowed.

As noted above, independent claims 102, 108, and 114 are amended to recite limitations similar to the amendments in independent claim 95. The above arguments with respect to claim 95 are applicable to claims 102, 108, and 114. As a result, Feedback Form, Falk, and Fuerst, considered alone or in combination, do not disclose at least two limitations of amended claims 102, 108, and 114. For at least these reasons, the scope and content of Feedback Forum, Falk, and Fuerst, even if combined, do not teach or suggest Applicant’s claimed subject matter or support rational inferences that one skilled in the art would be reasonably expected to draw to reach Applicant’s claimed subject matter. As a result, Feedback Forum, Falk, and Fuerst do not support a determination of obviousness with respect to independent claims 102, 108, and 114, and their respective dependent claims. Thus, Applicant respectfully requests that these rejections be withdrawn and the claims be allowed.

⁹ Falk, paragraphs 0079-0080, emphasis added.

¹⁰ Fuerst, col. 6, lines 39-41.

Claims 106 and 119 were rejected under 35 U.S.C. § 103(a) as being obvious over Feedback Forum in view of Falk, in further view of Fuerst, in further view of Bayer et al. (U.S. Patent No. 6,311,190, hereinafter “Bayer”). Claims 106 and 119 depend respectively from independent claims 102 and 114. While Bayer discusses “a system for conducting surveys internationally to voters in multiple different languages,”¹¹ nothing in Bayer discloses the above-mentioned limitations shown to be missing from Feedback Forum, Falk, and Fuerst. Accordingly, the scope and content of Feedback Forum, Falk, Fuerst, and Bayer, even if combined, do not teach or suggest Applicant’s claimed subject matter or support rational inferences that one skilled in the art would be reasonably expected to draw to reach Applicant’s claimed subject matter. As a result, Feedback Forum, Falk, Fuerst, and Bayer do not support a determination of obviousness with respect to independent claims 102, 108, and 114, and their respective dependent claims. Thus, Applicant respectfully requests that these rejections be withdrawn and the claims be allowed.

¹¹ Bayer, col. 2, lines 34-38.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4048 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 16 March 2009

By -

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 16, 2009.

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Signature

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